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State responsibility for
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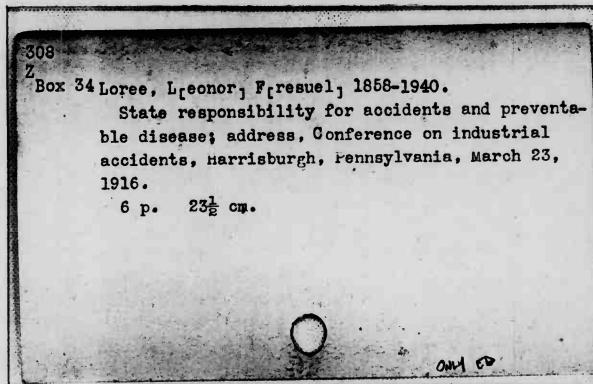
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STATE RESPONSIBILITY
FOR ACCIDENTS AND
PREVENTABLE DISEASE

Address by
L. F. LOREE

Conference on Industrial Accidents
Harrisburgh, Pennsylvania
March 23, 1916

STATE RESPONSIBILITY FOR ACCIDENTS AND PREVENTABLE DISEASE.

BY
L. F. LOREE,
President, The Delaware and Hudson Company.

An address delivered at Harrisburg, Pennsylvania,
on Thursday, March 23, 1916, at a Conference
on Industrial Accidents called by the
Governor of Pennsylvania.

The direction of industries that no effort has yet sufficed to free from loss of life and permanent physical injury to workers imposes responsibilities that put mere lip service to shame. Whether those who bear obligations of management for the great industries of Pennsylvania carry these responsibilities with adequate realization of their seriousness is to be determined by acts, not words. But it may now be said, for those in charge of the railways, that they will always in the future be ready to do what they have done in the past, to consider every suggestion honestly intended to diminish these losses, to enter upon every safe experiment that bears reasonable evidence of practicability, to adopt any device or method that approves itself to those who comprehend the difficulties to be overcome.

Losses of life and limb from industrial accidents are appalling whether many or few; if one human life is lost or

one human form is mutilated by an accident that might have been prevented, the result is appalling in a degree that no statistical summary or comparison can accentuate. Such losses are irreparable. They should compel seriousness of thought and sobriety of speech. It would be as evil to consider pecuniary profits as an offset or excuse as it would be unutterably wicked to seek to derive political advantage or notoriety from these conditions.

The railway industry represents the utmost effort of mankind to overcome, by the artificial arrangement of weaker natural forces, one of the greatest and most universal of the laws of Nature. Nature ordained that everything ponderable should be inert and, again, that man should survive and progress only by conquering inertia. Man can create nothing, but by changing the locations and relations of things can set in operation natural forces that are creative. The railway is humanity's mightiest response to this condition of man's existence. Nearly all other forces oppose the effort but by controlling the relatively puny force of the expansive gas which is formed by water heated to 212 degrees Fahrenheit, man is able to hurl railway trains, often weighing six millions of pounds or more, across rivers and valleys, over hills and through mountains, alike in the heat of summer and the freezing cold of winter. This is warfare, not cruel and criminal warfare of man against man for commercial or political advantage or to appease the ambitions or jealousies of leaders; but the warfare of man, industrious, organized and capably led, against reluctant Nature, fought in obedience to the Divine command that toil shall be the source of food and shelter and moral as well as material advancement. Those who realize the obstacles that Nature erects and constantly renews in protest against this studied interference with her rule of stability, wonder at the efficiency of the machine by which it is so regularly conquered, not at the fact that it sometimes falters or that men who waver or become inconstant in devo-

tion to duty are sometimes killed or injured. These losses must not be called inevitable, for the struggle and hope to prevent them must never relax or grow dim, but it is true that, considered in the light of the difficulties encountered, there is no department of human activity in which more has been accomplished, there are few in which even an approximate meed of success has been attained.

There is, however, one large class of wholly preventable railway accidents, but the means of prevention is in the hands of the State, as a political organization; the railways themselves are powerless. What has the political organization of this State done to prevent these accidents? The answer is, absolutely nothing. Fifteen lives per day are, on the average, lost, in the United States, by accidents to persons that occur because their victims are trespassing without right or claim of right upon railway property, against the rights of the railway and often endangering the safety of passengers. A few States have especially penalized such trespass, but Pennsylvania, although such legislation has frequently been asked for by responsible railway officers, has done nothing. The following are facts reported by the Interstate Commerce Commission:

Year ended with June 30:	Number of passengers and employees killed.	Number of trespassers killed.
1911-----	3519	5284
1915-----	2031	5084
Decrease, 1911-1915;		
Number -----	1488	200
Per cent -----	42.28	3.79

These figures speak for themselves. They show that while the annual loss of life in the field to which the efforts of the railway managers must be confined has been reduced almost one-half; the losses in the field in which the State alone can be effective, have been reduced scarcely at all. A law of this

State, effective since 1911, forces an extra and superfluous man to share the risks of nearly every train crew, but no law has ever been passed to protect any would-be trespasser upon railway property from his own recklessness.

There is another direction in which proper legislation would materially aid in the reduction of railway accidents. It is notorious that much more than half the train accidents that occur are consequent upon failure to obey orders and observe rules that, properly carried out, would have obviated all danger. Many such disobediences and violations of rules take place without producing accidents, but every one of them is a trespass against the order of the community in that it endangers the safety of persons and property. No political leader or legislator is so uninformed as not to know these facts or that a long step toward the reduction of accidents would be taken in the enactment and enforcement of adequate penalties to punish these violations of order. No such penalties have been provided in Pennsylvania.

State action for the protection of lives is called for in another direction, that of the eradication of preventable diseases. There are certain diseases, among them typhoid fever, tuberculosis, diphtheria, scarlet fever and measles, which slaughter thousands annually, the very existence of which is proof of the negligence of organized government. Society will wipe out these diseases whenever those whom it elevates to positions of political control make up their minds that it is of primary importance to do so. How, then, does the record of Pennsylvania stand with relation to these preventable losses? Comparing Pennsylvania with New York, New Jersey and Massachusetts, the official record for 1913 (compiled and published by the United States Bureau of the Census) shows the numbers and ratios of deaths per 100,000 of population, as follows:

Cause of death.	Pennsylvania.		New York.		New Jersey.		Massachusetts.	
	Number of deaths.	Rate per 100,000 of population.	Number of deaths.	Rate per 100,000 of population.	Number of deaths.	Rate per 100,000 of population.	Number of deaths.	Rate per 100,000 of population.
Typhoid fever.	1470	18.1	999	10.3	265	9.6	279	7.9
Tuberculosis of the lungs.....	8107	104.5	12784	145.9	3517	184.2	4142	120.8
Diphtheria.....	2099	25.0	1896	19.5	585	21.3	624	17.6
Scarlet fever.....	915	11.2	991	9.2	230	8.4	311	8.8
Measles.....	1678	19.5	1120	11.5	214	7.8	499	14.1
Total.....	14169		18490		4811		5855	

NOTE: At the census of 1910 the population of these States was: Pennsylvania, 7,665,111; New York, 8,113,279; New Jersey, 2,537,167, and Massachusetts, 3,966,416.

Certainly, the unenviable record of Pennsylvania, as disclosed by the foregoing is not the result of mere chance. To suggest only one of many helpful measures that would mitigate these losses, it may be said that rigid inspection of dairy herds for tubercular cattle and the prompt destruction of any found infected would soon protect the public against a prolific source of this most destructive of all diseases.

Automobiles killed 2488 persons and other vehicles 2381, a total of 4869, in the United States during 1913. Is there in these figures no suggestion of healthy State action? Are the users of Pennsylvania highways protected by adequate statutes, adequately enforced, against the dangerous folly of the few to whose misuse of powerful motors and other vehicles most of this class of accidents are due?

These suggestions are not made in a spirit of mere criticism. They are prompted by a firm conviction that the most salutary result that could follow this conference would have come about if it should impel the political leaders to emulate,

in the fields peculiarly their own, the efforts and efficiency that have so greatly reduced the hazards of dangerous vocations.

The railways are the originators of the slogan "Safety First," they have been engaged for many years in a systematic effort for the avoidance of accidents, and broadly speaking the legislation of the State is merely a reduction to a legal formula of the practice they have instituted from their long and widespread experience. I say for the railroads, with confidence, that they would be immensely encouraged and stimulated to further effort if they saw the great state of Pennsylvania recognize its own responsibilities, and with courage and thoroughness take up the discharge of its own duty in what is now the largest field for the conservation of human life and health.

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